

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CENTRAL STATES, SOUTHEAST AND  
SOUTHWEST AREAS PENSION FUND,  
and HOWARD McDUGALL, trustee,

**V.**

Plaintiffs,

BLOM TRUCKING, INC.,  
an Ohio corporation,

Defendant.

Case No. 08 C 482

Honorable  
District Judge Kennelly

**MOTION TO VACATE ORDER TO**  
**SHOW CAUSE WITHOUT PREJUDICE**

**NOW COME** Plaintiffs Central States, Southeast and Southwest Areas Pension Fund, and Howard McDougall, Trustee, by their attorney, and move to vacate the Court's August 12, 2008 order requiring Paul H. Blom and Blom Trucking, Inc. to appear to show cause why they should not be held in contempt of court. In support, Plaintiffs state as follows:

1. On March 28, 2008, judgment was entered in favor of Plaintiffs and against Defendant in the amount of \$537,766.06.
2. A Citation in Supplemental Proceedings to Discover Assets (“Citation to Discover Assets”) was issued by the Court on May 1, 2008, requesting certain documents and an appearance by Blom Trucking, Inc. and Paul H. Blom on June 10, 2008 to testify regarding any assets of Blom Trucking, Inc. available to satisfy the outstanding judgment.
3. Blom Trucking, Inc. and Paul H. Blom failed to appear on June 10, 2008 in

accordance with the Citation to Discover Assets. Plaintiffs subsequently filed a Motion for Rule to Show Cause Why Blom Trucking, Inc. and Paul H. Blom Should Not Be Held In Contempt on July 24, 2008.

4. The Court entered an Order to Show Cause August 12, 2008, setting the Show Cause Hearing for September 24, 2008.

5. Upon being served with the Order to Show Cause, Defendant agreed to produce the documents requested in the Citation to Discover Assets by September 2, 2008, and agreed to appear for the Citation to Discover Assets in Cincinnati, Ohio on September 18, 2008.

6. Based upon the above agreement between the parties, Plaintiffs request that the Court vacate the August 12, 2008 Order to Show Cause and strike the September 24, 2008 Show Cause Hearing without prejudice.

**WHEREFORE**, Plaintiffs Central States, Southeast and Southwest Areas Pension Fund, and Howard McDougall, Trustee, move to vacate the Court's August 12, 2008 order requiring Blom Trucking, Inc. and Paul H. Blom to show cause why they should not be held in contempt of court without prejudice to the refiling of an order to show cause if Defendant does not fulfill its obligation as outlined in paragraph 5.

Respectfully submitted,

/s/ Rebecca K. McMahon  
Rebecca K. McMahon, Attorney for  
Plaintiffs, Central States, Southeast &  
Southwest Areas Pension Fund  
9377 West Higgins Road  
Rosemont, Illinois 60018-4938  
847/518-9800, Ext. 3441  
ARDC #06290192

July 25, 2008

**CERTIFICATE OF SERVICE**

I, Rebecca K. McMahon, one of the attorneys for the Central States, Southeast and Southwest Areas Pension Fund and Howard McDougall, trustee, certify that on September 3, 2008, I caused the foregoing Motion for Vacate Order to Show Cause Without Prejudice to be filed electronically. I served the foregoing Motion and Notice of said Motion on September 3, 2008, via United States Mail to:

Charles M. Miller  
Keating Muething & Klekamp, PLL  
One East Fourth Street, Suite 1400  
Cincinnati, Ohio 45202

Said documents were deposited in the United States Mail at 9377 West Higgins Road, Rosemont, Illinois, 60018-4938, with proper prepaid postage affixed thereto, this 3rd day of September, 2008.

/s/ Rebecca K. McMahon  
Rebecca K. McMahon  
One of Central States' Attorneys